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4 **UNITED STATES DISTRICT COURT**
5 **DISTRICT OF NEVADA**

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7
8 JAMES KELLY,
9 Plaintiff,

2:08-cv-00088-KJD-RJJ

10 v.

ORDER

11 CSE SAFEGUARD INSURANCE
12 COMPANY,
13 Defendant.

Plaintiff's Motion to Compel Answers to
Interrogatories and Requests for Production
(#111)

14 This matter comes before the Court on Plaintiff's Motion to Compel Answers to
15 Interrogatories and Requests for Production (#111). The Court also considered Defendant's
16 Response (#113) and Defendant's Errata (#118).

17 **BACKGROUND**

18 This is an insurance bad faith (refusal to settle) case that stems from an automobile
19 collision. Kelly was injured in a collision as a result of negligence by Jose Cruz and Andre
20 Torres Flores. Cruz and Flores were insured by CSE Safeguard Insurance Company (CSE). A
21 week after the accident, Kelly sent a demand letter to CSE requesting that CSE tender the policy
22 limits because Cruz and Flores' liability allegedly exceeded the policy limit. CSE did not
23 comply for various reasons, including the fact that the letter was sent to the wrong address. CSE
24 and Kelly then participated in settlement negotiations and CSE conducted its investigation.

25 During this time, Kelly negotiated stipulated judgments with Flores and Cruz for \$1.5
26 million each. Cruz and Flores then assigned any claims against CSE to Kelly, and the instant
27 litigation followed.

28 Kelly now seeks to compel CSE to answer certain interrogatories and requests for

1 production. Specifically, Kelly seeks addresses of individuals who worked on adjusting the
2 insurance claim. These individuals are or were employed by Mosher Administrative Services,
3 Inc. (Mosher), who handled claims adjustment matters for CSE for part of the time during which
4 Kelly's claims was being adjusted. Kelly also seeks information related to communications
5 between CSE and Cory Hilton, who was hired by CSE to defend Flores in the underlying case.

6 CSE opposes the motion.

7 DISCUSSION

8 Since the motion was filed, further discovery has rendered much of Kelly's motion moot.
9 The addresses of the relevant Mosher employees have been provided to Kelly in later
10 supplements by CSE. CSE's Amended Answer to Kelly's Interrogatories, Attached as Exhibit 9
11 to Plaintiff's Countermotion to Exclude Witnesses (#133); CSE's Second Amended Answer to
12 Kelly's Interrogatories, Attached as Exhibit 11 to Plaintiff's Countermotion to Exclude
13 Witnesses (#133). Furthermore, CSE never formally requested documents containing the
14 communications between CSE and Hilton pursuant to FED. R. CIV. P. 34, and cites to no
15 interrogatory that references such communications. In addition, Kelly has failed to comply with
16 LR 26-7(a), which states that "[a]ll motions to compel discovery ... shall set forth in full the text
17 of the discovery originally sought and the response thereto, if any."

18 CONCLUSION

19 Based on the foregoing, and good cause appearing therefore,

20 IT IS HEREBY ORDERED that Plaintiff's Motion to Compel Answers to Interrogatories
21 and Requests for Production (#111) is **DENIED**.

22 DATED this 21st day of July, 2011.

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26 ROBERT J. JOHNSTON
27 United States Magistrate Judge
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